Billing Code: 4520-43-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations Part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

DATES: All comments on the petitions must be received by the MSHA's Office of Standards, Regulations, and Variances on or before [INSERT DATE 30 DAYS FROM THE DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You may submit your comments, identified by "docket number" on the subject line, by any of the following methods:

1. Electronic Mail: zzMSHA-comments@dol.gov. Include the docket number of the petition in the subject line of the message.

2. Facsimile: 202-693-9441.

3. Regular Mail or Hand Delivery: MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202-5452,

Attention: Sheila McConnell, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations, and Variances at 202-693-9447 (Voice), barron.barbara@dol.gov (E-mail), or 202-693-9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M-2016-008-C.

Petitioner: Rosebud Mining Company, 301 Market Street, Kittanning, Pennsylvania 16201.

Mine: Barrett Mine, MSHA I.D. No. 36-09342, located in Indiana County, Pennsylvania.

Regulation Affected: 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 18.35(a)(5)(i) (Portable (trailing) cables and cords).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of 480-volt trailing cables with a maximum length of 950 feet when No. 4 American Wire Gauge (AWG) cable is used on roof bolters. The petitioner states that:

(1) The trailing cables for the 480-volt bolters will not be smaller than No. 4 AWG cable.

(2) All circuit breakers used to protect the No. 4 AWG trailing cable exceeding 700 feet in length will have instantaneous trip units calibrated to trip at 500 amperes. The trip setting of these circuit breakers will be sealed to ensure that the settings on these breakers cannot be changed, and these circuit breakers will have permanent, legible labels. Each label will identify the circuit breaker as being suitable for protecting the cables as listed above.

(3) Replacement circuit breakers and/or instantaneous trip units used to protect the No. 4 AWG trailing cable will be calibrated to trip at 500 amperes and they will be sealed.

(4) All components that provide short-circuit protection will have a sufficient interruption rating in accordance with the maximum calculated fault currents available.

(5) During each production day, the trailing cables and the circuit breakers will be examined in accordance with all 30 CFR provisions.

(6) Permanent warning labels will be installed and maintained on the load center identifying the location of each short-circuit protection device. These labels will warn miners not to change or alter the settings of these devices.

(7) If the affected trailing cables are damaged in any way during the shift, the cable will be de-energized and repairs made.

(8) The alternative method will not be implemented until all miners who have been designated to operate the bolters, or any other person designated to examine the trailing cables or trip settings on the circuit breakers, have received the proper training as to the performance of their duties.

(9) Within 60 days after the proposed decision and order becomes final, the petitioner will submit proposed revisions for their approved 30 CFR part 48 training plans to the District Manager. These revisions will specify task training for miners designated to examine the trailing cables for safe operating condition and verify that the short-circuit settings of the circuit-interrupting devices that protect the affected trailing cables do not exceed the settings specified previously in this petition. The training will include the following elements:

(a) The hazards of setting short-circuit interrupting device(s) too high to adequately protect the trailing cables.

(b) How to verify that the circuit interrupting device(s) protecting the trailing cable(s) are properly set and maintained.

(c) Mining methods and operating procedures that will protect the trailing cables against damage.

(d) Proper procedures for examining the trailing cables to ensure that the cables are in safe operating condition by visually inspecting the entire cable, observing the insulation, the integrity of splices, nicks and abrasions.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the standard.

Docket Number: M-2016-009-C.

Petitioner: Marfork Mining Company, Inc., P.O. Box 457, Whitesville, West Virginia 25193.

Mine: Marsh Fork Mine, MSHA I.D. No. 46-08551, located in Raleigh County, West Virginia; Low Gap Refuse Disposal Facility, I.D. No. 1211WV40234-01.

Regulation Affected: 30 CFR 77.214(a) (Refuse piles; general).

Modification Request: The petitioner requests a modification of the existing standard to permit, as an alternative method, to backfill four abandoned mine openings associated with inactive Marsh Fork Mine, Cedar Grove coal seam portal area with coal refuse. The petitioner states that:

1. The portals are located at approximate Elevation 1630. We understand the four mine openings within the proposed refuse disposal facility footprint have been abandoned and have dry-stacked, concrete block stoppings. Each of the four openings has a 10±-inch outside diameter high density polyethylene (HDPE) pipe installed through the stopping; however, we understand the pipes have never discharged. The mine dips to the northwest and discharges from two separate sets of down dip openings at Elevation

1595± and Elevation 1601±. These openings should preclude the potential for the mine to flood to the portal area.

2. It is proposed to use coal refuse as a construction material to cover the openings and reclaim the highwall. The material excavated to create the "face-up" for the portal area is no longer available to backfill the openings and eliminate the highwall. Each of the four openings associated with the Marsh Fork Mine portal area will be back-stowed with soil and rock to the stopping. Existing canopies and loose debris will be removed prior to placing the backfill. Although flooding of the mine to the portal area is not expected due to the down dip openings, a redundant underdrain system consisting of durable rock cobbles and a perforated pipe wrapped with filter fabric will be installed at the base of the highwall along the entire portal area. Each of the existing mine entry pipes will be connected to the perforated pipe within the underdrain. The underdrain will be extended to discharge into the refuse facility perimeter ditch. Additional soil and rock will be placed at the openings and along exposed coal seam to result in covering the seam with at least four feet of non-combustible material.

3. As described above, it is proposed that the construction of the Low Gap refuse disposal facility will backfill the portal entries and reclaim the highwall; however 30 CFR 77.214(a) generally states that refuse piles will not be located over abandoned openings. The apparent intent of this regulation is to limit the potential for a "blowout" of mine water and to limit the potential for combustion of the refuse and/or coal seam. The proposed backfill plan described in this petition addresses these concerns and provides a practical method of backfilling the openings with coal refuse that will provide an equivalent or greater measure of protection afforded by the existing standard. Since the

mine has two gravity outlets as approximate Elevation 1595 and Elevation 1601 (i.e. lower that the sealed openings), there is no significant potential for the mine workings to flood and be subject to a blowout at the portal area location. However, as a precautionary measure, an internal drainage system is proposed to provide a controlled outlet in the unlikely event that any water accumulates inby the portal area.

4. The proposed soil and rock backfill zone isolates the mine workings and coal seam from the proposed coal refuse fill minimizing any potential for a mine fire to spread to the refuse fill. Any exposed area of the Cedar Grove coal seam within the embankment footprint will be covered with at least four feet of soil and rock as the coal refuse backfill is placed. The coal refuse will be placed in a 2-foot (maximum) thick lifts. This requirement should preclude the potential for the refuse to spontaneously combust.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the standard.

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Sheila McConnell
Director,
Office of Standards, Regulations, and Variances

[FR Doc. 2016-08457 Filed: 4/12/2016 8:45 am; Publication Date: 4/13/2016]